

REMARKS

Claims 6 to 8, 10 to 12, 19 to 21 and 23 to 25 remain in the present application. Claims 6, 10, 19, and 23 have been amended for which there is support in the specification, claims and drawings as originally filed.

Reconsideration of the Examiner's decisions and reexamination of this application are respectfully requested.

The §101 rejections:

Claims 6 to 8 and 10 to 12 have been rejected by the Examiner under 35 USC §101 as not falling within one of the four statutory categories of invention.

It is submitted that claims 6 to 8 and 10 to 12 were already in compliance with 35 USC §101 in that the method recited by these claims was already tied to another statutory category in that the method for alternative routing pertains to a "PNNI hierarchical network", the "thing" referenced in the Love memorandum. However, to further clarify the present invention, claims 6 and 10 have been amended to recite a "method performed by an apparatus for alternative routing...". As noted on page 6 (first full paragraph) of Applicants' specification, Applicants' invention contemplates an apparatus for alternative routing .

In view of the amendments to claims 6 and 10, it is submitted that the rejections of claims 6 to 8 and 10 to 12 under 35 USC §101 have been overcome.

The §112 rejections:

Claims 6 to 8, 10 to 12, 19 to 21 and 23 to 25 have been rejected by the Examiner under 35 USC §112, second paragraph, as being indefinite.

I. Claims 6, 10, 19 and 23 were alleged to be ambiguous in that it was unclear which element "said at least one element" is referring to.

Claims 6, 10, 19 and 23 have been amended to recite “said at least one non-sole-access element” which should remove the ambiguity.

II. Claims 6, 10 and 23 were alleged to be indefinite in that there is insufficient antecedent basis for the limitation “the set of all non-sole-access links”.

Claim 6 was amended to recite “a set of all non-sole-access links...”. Claims 10 and 23 (and 19 as well) were similarly amended to remove any indefiniteness.

III. Claims 6 and 19 were alleged to be ambiguous in that it is unclear which connection “said connection” is referring to.

Claims 6 and 19 were amended to recite “said connection between said source node and destination node” to track the wording in the preamble of the claims so as to remove any ambiguity.

In view of the amendments to claims 6, 10, 19 and 23, it is submitted that the rejections of claims 6 to 8, 10 to 12, 19 to 21 and 23 to 25 under 35 USC §112, second paragraph, have been overcome.

Allowable subject matter:

The Examiner’s indication of allowable subject matter in this application is acknowledged.

Summary:

In view of (i) the overcoming of the rejection of claims 6 to 8 and 10 to 12 under 35 USC §101, (ii) the overcoming of the rejection of claims 6 to 8, 10 to 12, 19 to 21 and 23 to 25 under 35 USC §112, second paragraph, (iii) the indication of allowable subject matter and (iv) there being no prior art rejections, it is submitted that all of claims 6 to 8, 10 to 12, 19 to 21 and 23 to 25 are in condition for allowance.

Further action with respect to the present application is earnestly solicited.

Respectfully submitted,
Douglas Dykeman et al.

By: / Ira D Blecker /
Ira D. Blecker
Attorney for Applicants
Registration No. 29,894

Law Offices of Ira D. Blecker, P.C.
206 Kingwood Park
Poughkeepsie, New York 12601
Telephone: 845-849-3686
Facsimile: 845-849-3688